

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

**VERMONT MUTUAL INSURANCE
COMPANY**

Plaintiff

No. 1:20-cv-159-LEW

V.

**CROCKER CIRQUE, II, LLC,
RICHARD J. GODUTI,
JAMES P. GODUTI,**

and

**FALL LINE CONDOMINIUM
HOMEOWNERS ASSOCIATION,**

Defendants.

STIPULATION OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the parties, plaintiff Vermont Mutual Insurance Company (“VMI”), and defendants Crocker Cirque, II, LLC, Richard J. Goduti, James P. Goduti, and Fall Line Condominium Homeowners Association (“Fall Line”), by and through their undersigned attorneys, hereby stipulate to the dismissal of this civil action, without prejudice and without costs or fees to any party. For avoidance of doubt, and not intending to limit other rights not prejudiced by this dismissal, the parties agree that notwithstanding this dismissal the right of any defendant in this case is reserved to seek costs and/or attorneys’ fees incurred by it and/or him in this case, including fees and costs incurred prior to this dismissal, in the event that VMI commences another civil action against it and/or him concerning VMI’s duty to defend or to indemnify for a claim or claims asserted by Fall Line in the underlying case in the Superior Court of Maine, Franklin County, identified by VMI in its Complaint in this case. VMI

does not hereby concede in any way that if such defendant seeks such costs and/or fees in any such future action, that such defendant would be entitled to recover any such costs and/or fees, and defendants do not concede that VMI has any meritorious challenges to bring. VMI hereby merely expressly acknowledges that the intent of the scope of this dismissal “without prejudice” includes the right of such a defendant in the future to seek such costs and/or fees in the event of the filing by VMI of another such civil action.

Dated: August 27, 2020

/s/ Clifford Ruprecht
Clifford Ruprecht, Esq.
ROACH RUPRECHT SANCHEZ &
BISCHOFF, P.C.
527 Ocean Ave., Suite 1
Portland, Maine 04103
(207) 747-4870
cruprecht@rrsblaw.com

*Attorneys for Crocker Cirque, II, LLC;
James Goduti and Richard Goduti*

/s/ Brent A. Singer
Brent A. Singer, Esq.
RUDMAN WINCHELL, LLC
84 Harlow Street – P.O. Box 1401
Bangor, ME 04402-1401
(207) 947-4501
bsinger@rudmanwinchell.com

*Attorneys for Vermont Mutual Insurance
Company*

/s/ Julia Pitney
Julia Pitney, Esq.
DRUMMOND WOODSUM &
MACMAHON
84 Marginal Way, Suite 600
Portland, ME 04101-2480
(207) 253-0549
jpitney@dwmlaw.com

*Attorneys for Fall Line Condominium
Homeowners Association*

CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2020, the foregoing pleading was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to Defendants' counsels by operation of the Court's electronic filing system.

/s/ Brent A. Singer

Brent A. Singer, Esq.

RUDMAN WINCHELL

The Graham Building

84 Harlow Street

P.O. Box 1401

Bangor, Maine 04402

Telephone: (207) 992-4455

E-mail: bsinger@rudmanwinchell.com